

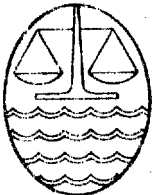


# UNITED NATIONS

Distr.  
LIMITED

A/CONF.62/C.2/L.41  
5 August 1974

ORIGINAL: ENGLISH



SECOND COMMITTEE

## THIRD CONFERENCE ON THE LAW OF THE SEA

### Ireland : draft article on anadromous species (under items 6.6; 6.6.3; 7; 8.4)

The right of exploitation of stocks of anadromous species shall be exercised only:

- (i) within waters under the jurisdiction of the State of origin,
- (ii) within waters under the jurisdiction of other coastal States, subject to such conditions and regulations as shall be agreed between such coastal State and the State of origin, taking into account the special role of the State of origin in the conservation of the species.

### Explanatory Note

Anadromous fish, such as salmon, are completely dependent on fresh water rivers for their existence. Only in rivers that are unpolluted and in which suitable stretches of gravel and water flow conditions exist can the spawning and hatching-out take place. The tiny fish after hatching-out may spend up to as many as four years in the river systems before migrating to the sea. These fish when fully grown in the sea have an irresistible urge to return to the rivers in which they themselves were spawned and wherein the cycle is repeated. If, then, the stock is to survive, positive steps must be taken to ensure that works carried out on the rivers, for irrigation, power development or other purposes, do not impede the migration of the parent fish upstream or that of the young fish downstream, and that the river water remains unpolluted. This, in the majority of cases, entails stringent restrictions on other uses of the waters and the expenditure of large sums of money by the State and by industry, as well as a sacrifice in refraining from using the available water supply otherwise. If the sustainable yield of the stocks of salmon is to be maintained at the optimum level, captures on the high seas and within the coastal waters of States other than the State of origin should at the least be severely restricted, otherwise a State of origin cannot be expected to spend money and make sacrifices to ensure the survival of the species. Recognition of an economic zone wherein coastal States would have extensive jurisdiction over the living resources within the zone, including anadromous fish moving through the zone, intensifies the problem for the States of origin of anadromous species. Accordingly it is submitted that if a convention extends the fisheries jurisdiction of the coastal State, it should at the same time oblige such coastal States to enter into arrangements with the State of origin of anadromous fish which will ensure their conservation and accord due recognition of the expense and sacrifices which must be made by the State of origin to this end.